

IN THE DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,
Defendants.

Civ. No.: 5:24-cv-05338

Judge Joseph F. Leeson, Jr.

NOTICE OF APPEAL

Plaintiff Michael Miller appeals to the United States Court of Appeals for the Third Circuit from the final judgment in this action.

Pursuant to *Weber v. McGrogan*, 939 F.3d 232 (3d Cir. 2019), and *Borelli v. City of Reading*, 532 F.2d 950 (3d Cir. 1976), Plaintiff has unequivocally elected to stand on the pleadings dismissed by the Court's March 7, 2025 Order (ECF 36) and waived any right to amend (ECF 70, as clarified by ECF 73), together with filing a Motion for Entry of Judgment under Fed. R. Civ. P. 58(d) (ECF 68, 71). These actions perfect finality under 28 U.S.C. § 1291 regardless of any subsequent docket activity.

This appeal is from the Court's March 7, 2025 Order (ECF 36) granting in part and denying in part Defendants' Motion to Dismiss (ECF 17) under Rule

12(b)(1) and 12(b)(6) on a facial challenge, as well as all interlocutory and procedural orders merged therein, including but not limited to ECF 55, 60, 63. The appeal preserves the jurisdictional-sequencing defect under *Steel Co.* and *Mortensen*, as reflected in ECF 36 and the Proposed Final Judgment (ECF 71).

This Notice is timely under Fed. R. App. P. 4(a)(1)(A).

Respectfully submitted,

/s/ Michael Miller

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Dated: August 12, 2025

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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Respectfully Submitted,

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Dated: August 12, 2025